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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,937	07/07/2003	Jong-chul Go	024012-326	6666

7590 04/19/2004
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EXAMINER

VALENZA, JOSEPH E

ART UNIT PAPER NUMBER

3651

DATE MAILED: 04/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/612,937	Applicant(s) GO ET AL.	
	Examiner Joseph Valenza	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 7-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/1153,019.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al in view of De Burgh.

The type of assembly conveyed is a matter of design choice over that in Clark et al. Note conveyors 1 and 3 are cell conveyors. It would have been obvious that the articles in Clark et al could be supported by pallets like pallets 4 of De Burgh. No assembling means are claimed in combination with the conveyor structures in claim 7. Therefore, the function, if any, performed on the conveyed assembly is immaterial to the operation of the claimed conveyors. The transverse feed from the cell conveyors 1 and 3 can be considered pallet carriers.

2. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al in view of De Burgh and Koennecke et al.

It would have been further obvious that the transverse feed from the cell conveyors 1 and 3 could include elevatable transverse conveyors 120 and 120' of Koennecke et al at the output of the cell conveyor and in the main conveyor of Clark et al.

3. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al in view of De Burgh and Inoue.

It would have been obvious to add a return conveyor between the output of the main conveyor and input sections at the upstream ends of the cell conveyors in Clark et al as taught by return 60 and elevatable conveyors 76, 78, 84, 86, 88 and 90 of Inoue.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al in view of De Burgh and Hale et al.

It would have been obvious that the teaching in Hale et al of having a reversing means B part of the main conveyor means could be added to the common (main) conveyor of Clark et al in the structure of paragraph 1.

5. Claims 7-11 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim1 of U.S. Patent No. 6,601, 689. Although the conflicting claims are not identical, they are not patentably distinct from each other because they only differ in obvious variations in breadth and scope.

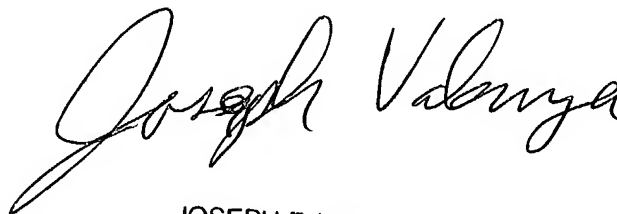
6. This is a continuation of applicant's earlier Application No. 09/153,019. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication should be directed to Joseph E. Valenza at telephone number (703) 308-2577. Amendments may be faxed to 703-872-9306. My normal workweek is Monday through Thursday.

A handwritten signature in black ink, reading "Joseph Valenza". The signature is fluid and cursive, with the first name "Joseph" and last name "Valenza" clearly distinguishable.

JOSEPH E. VALENZA
PRIMARY EXAMINER